



GENERAL ORDER OPS-16 CHILD ABUSE AND NEGLECT INVESTIGATIONS

EFFECTIVE JULY 28, 2020

This General Order contains the following numbered sections:

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I. POLICY

The Howard County Department of Police (HCPD), in conjunction with the Department of Social Services (DSS), will thoroughly investigate all cases of suspected child abuse and/or neglect.

II. DEFINITIONS

- A. All the definitions included in this General Order are taken from Maryland Family Law Title 5, Subtitle 7, and are current as of the effective date.
- B. Abuse
 - 1. The physical or mental injury of a child under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed by a:
 - a. Parent;
 - b. Household member or family member;
 - c. Person who has permanent or temporary care or custody of the child;
 - d. Person who has responsibility for supervision of the child; or
 - e. Person who, because of the person's position or occupation, exercises authority over the child.
 - 2. Sexual abuse of a child, whether physical injuries are sustained or not.
 - 3. Abuse does not include:
 - a. The physical injury of a child by accidental means.
 - b. Normal, acceptable discipline of a child administered as a result of the child's violation of a normal, acceptable standard set by the parent or guardian. Discipline does not result in injury to the child.
- C. Care or Custody: A parent, family member, household member, or other person who has permanent or temporary care or custody or responsibility for the supervision of a minor.

- D. Child Neglect: The intentional failure to provide necessary assistance and resources by a parent, family member, household member, or other person for the physical needs or mental health of a minor that creates a substantial risk of harm to the minor's physical health or a substantial risk of mental injury to the minor.
- E. Family member: A relative by blood, adoption, or marriage.
- F. Household member: A person who lives with or is a regular presence in a home of a minor at the time of the alleged abuse or neglect.
- G. Minor (child): Any individual under the age of eighteen (18) years.
- H. Mental Injury: The observable, identifiable, and substantial impairment of a child's mental or psychological ability to function caused by an intentional act or series of acts, regardless of whether there was an intent to harm the child.
- I. Neglect: The leaving of a child unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate:
 - 1. That the child's health or welfare is harmed or placed at substantial risk of harm; or
 - 2. Mental injury to the child or a substantial risk of mental injury.
 - 3. Neglect does not include the failure to provide necessary assistance and resources for the physical needs or mental health of a minor when the failure is due solely to a lack of financial resources or homelessness.
- J. Severe physical injury: Brain injury or bleeding within the skull; starvation; physical injury that creates a substantial risk of death or causes permanent or protracted serious disfigurement, loss of the function of any bodily member or organ, or impairment of the function of any bodily member or organ.
- K. Sexual abuse: Any act that involves:
 - 1. Sexual molestation or exploitation of a child by a:
 - a. Parent;
 - b. Household member or family member;
 - c. Person who has permanent or temporary care or custody of the child;
 - d. Person who has responsibility for supervision of the child; or
 - e. Person who, because of the person's position or occupation, exercises authority over the child; or
 - 2. Sex trafficking of a child by any individual.
- L. Sexual molestation or exploitation
 - 1. Allowing or encouraging a child to engage in:
 - a. Obscene photography, films, poses, or similar activity;
 - b. Pornographic photography, films, poses, or similar activity; or

- c. Prostitution;
 2. Incest;
 3. Rape;
 4. Sexual offense in any degree; and
 5. Unnatural or perverted sexual practices.
- M. Sex trafficking: The recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a child for the purpose of a commercial sex act.

III. PHYSICAL CHILD ABUSE INVESTIGATIONS

- A. Minor physical abuse may consist of bruises, abrasions, fingerprint impressions, small lacerations, or other non-emergency type injuries. A Criminal Investigations Bureau (CIB) supervisor is available to consult with patrol officers responding to cases of minor abuse.
- B. Serious physical abuse may consist of burns, fractures, physical trauma, or similar injuries requiring hospitalization or special medical treatment. All cases that result in hospital treatment or cases involving multiple victims, day care facilities, foster homes, or injuries that occur on school property will be investigated by the Family Crimes/Sexual Assault Division (FCSAD).
- C. Investigative Responsibilities of Patrol Officers
1. Determine if the victim needs immediate medical attention and facilitate the acquisition of medical services.
 2. Make immediate contact with the Department of Social Services (DSS), Child Protective Services (CPS) Unit at 410-872-4203 or via the Communications Division if it is after normal business hours. Communications will contact the appropriate case worker and have them contact the officer.
 3. Conduct a preliminary investigation to include collection of basic information and evidence.
 4. Ensure that a patrol supervisor has been notified.
 5. Interview the victim in a non-threatening environment. Whenever a police officer and the DSS/CPS case worker are both present for an interview, there will be one primary interviewer. The primary interviewer will be mutually decided upon on a case-by-case basis.
 6. Photograph the victim if there are any visible signs of physical abuse present. Use discretion if injuries are sustained in personal areas of the body.
 - a. An officer of the same sex as the victim shall be utilized to take the photographs. If an officer of the same sex is not available, a crime scene technician may take the photos.
 - b. As with domestic violence cases, bruises may not be apparent until the following day and may require a follow-up to obtain evidentiary photos.
 7. Assess the need to remove the child from the home.

- a. Only in the most extreme circumstances and with supervisory approval may the officer remove the child from the home without first making contact with DSS. An on-call DSS/CPS case worker is available after hours.
 - b. In the majority of cases when it appears there is cause to remove the child from the home, there will be time to contact DSS so that a CPS case worker may take the child into protective custody and arrange for temporary shelter and any necessary medical treatment.
 - c. If a parent or guardian is not at home when the child is removed, the patrol officer will ensure that they are notified and the notification shall be documented in the incident report, indicating to whom notification was made.
8. Identify, photograph, and collect any physical evidence that is associated with the alleged child abuse, including but is not limited to clothing or items used to inflict the abuse.
- a. Officers should consult General Order OPS-08, Search and Seizure, for guidelines on obtaining search warrants.
 - b. The Forensic Services Section may be contacted to assist in the collection of evidence.
9. Interview any witnesses.
10. Interview all suspect(s). The interview should be documented by audiotape, a written statement, or by adopting the notes of the interviewer/interrogator.
11. The patrol supervisor may request the expertise of a Child Abuse/Sexual Assault (CASA) Section detective to assist with the investigation. After normal business hours, the Communications Division will contact the on-call CIB supervisor.
12. Any officer who handles a confirmed child abuse or neglect case, including CASA Section detectives, shall make an immediate notification to CPS from the scene.
13. At the conclusion of the preliminary investigation, the patrol officer will complete a detailed written report prior to the end of the tour of duty and will:
- a. Email a copy of the completed report to the CASA section at cabuse@howardcountymd.gov.
 - b. If appropriate, notify the Howard County Public School System by sending a "Handle With Care" email to hwc@howardcountymd.gov with the subject line "HWC School Name" and the text stating "Handle with care Student Name".
14. Consultation with the State's Attorney's Office Special Victim's Unit should be done to determine the validity of the case and if sufficient evidence exists to pursue criminal charges.
- D. Investigative Responsibilities of CASA Section Detectives
1. Serious physical child abuse investigations will be conducted jointly with CPS social workers at the Howard County Child Advocacy Center (CAC).
 2. Investigations will be conducted within the guidelines established in the current CAC Memorandum of Understanding (MOU) and Standard Operating Procedures.
 3. Email copies of all child abuse reports received from patrol to DSS.

- E. Throughout the investigative process, all due effort shall be made to keep the identity of any third party who reports suspected abuse confidential from the victim and suspect.

IV. SEXUAL CHILD ABUSE INVESTIGATIONS

- A. All sexual child abuse cases will be investigated by CASA Section detectives in conjunction with CPS social workers at the CAC. Investigations will be conducted within the guidelines established in the current CAC MOU and Standard Operating Procedures.
- B. Any patrol officer who determines that a child has been the victim of a sex crime by a parent or other person who has permanent or temporary custody or responsibility for supervision of that child such as a babysitter, teacher, scout leader, day care provider, sports coach, etc. will conduct the following preliminary steps:
 - 1. Interview the reporting person and/or the non-offending parent or guardian. A detective assigned to the CASA Section will conduct an interview with the victim.
 - 2. Determine when and where the abuse occurred. If the incident is reported within 120 hours (5 days) the child should be transported to a medical facility for an examination.
 - 3. The Forensic Services Section (FSS) shall be notified for the identification and collection of any physical evidence that is associated with the alleged sexual child abuse.
 - 4. If the area supervisor believes that a CASA Section detective should respond to the scene, he shall contact the CASA Section supervisor during normal business hours. After normal business hours, the Communications Division will contact the on-call CIB supervisor.
 - 5. The patrol officer who took the initial report shall contact DSS intake at the earliest opportunity.
 - 6. A written report will be emailed to the CAC at cabuse@howardcountymd.gov by the end of shift on the day of the initial report.
 - 7. A "Handle With Care" email shall be sent as detailed in this General Order.

V. CHILD NEGLECT INVESTIGATIONS

- A. Investigative Responsibilities of Patrol Officers¹
 - 1. Determine if the victim needs immediate medical attention and facilitate the acquisition of medical services.
 - 2. Make immediate contact with the DSS/CPS Unit at 410-872-4203 or via the Communications Division if it is after normal business hours. Communications will contact the appropriate case worker and have them contact the officer.
 - 3. Conduct a preliminary investigation to include collection of basic information and evidence.
 - 4. Ensure that a patrol supervisor has been notified.

¹ CALEA 44.2.2 b

5. Interview the victim in a non-threatening environment. Whenever a police officer and the DSS/CPS case worker are both present for an interview, there will be one (1) primary interviewer. The primary interviewer will be mutually decided upon on a case-by-case basis.
 6. Photograph the victim if there are any visible signs of physical injury present.
 7. Assess the need to remove the child from the home. Only in the most extreme circumstances and with supervisory approval may the officer remove the child from the home without first making contact with DSS. An on-call DSS/CPS case worker is available after hours.
 - a. In the majority of cases where it appears to the officer that there is cause to remove the child from the home, there will be time to contact DSS so that a CPS case worker may take the child into protective custody and arrange for temporary shelter and any necessary medical treatment.
 - b. If a parent or guardian is not at home when the child is removed, the patrol officer will ensure that they are notified and document the notification in the incident report, indicating to whom notification was made.
 8. Identify and collect any physical evidence that is associated with the alleged child neglect.
 9. Interview all witnesses.
 10. Interview all suspects. The interview should be documented by audiotape, a written statement, or by adopting the notes of the interviewer/interrogator.
 11. Depending on the complexity or severity of the neglect, the patrol supervisor may request the expertise of CASA Section detective to assist with the investigation. After normal business hours, the Communications Division will contact the on-call CIB supervisor.
 12. Any officer, including CASA Section detectives, handling a confirmed child neglect case will make immediate notification to CPS from the scene.
 13. At the conclusion of the preliminary investigation, the patrol officer will prepare a detailed written report. A copy of the complete report shall be emailed to the CASA Section at cabuse@howardcountymd.gov by end of shift of the initial report.
 14. Determine the validity of the case and if sufficient evidence exists to pursue criminal charges. Consultation with the State's Attorney's Office may be required in some cases.
- B. Investigative Responsibilities of CASA Section Detectives
1. Serious child neglect investigations will be conducted jointly with CPS social workers at the CAC.
 2. All cases that result in hospital treatment or cases involving multiple victims, day care facilities, foster homes, or injuries that occur on school property will be investigated by the Family Crimes Sexual Assault Division.
 3. Investigations will be conducted within the guidelines established in the current CAC Memorandum of Understanding and Standard Operating Procedures.

VI. INVESTIGATIONS ON SCHOOL PROPERTY

- A. When the need arises to secure information from a student who is a possible victim of child abuse or has knowledge about abuse or neglect cases, the school principal will be contacted. The principal may permit an interview of the child to take place on school grounds provided that:
 - 1. The interview is in the student's best interest; and
 - 2. The student is willing to be interviewed.
- B. The school principal shall determine, after consultation with the individual from the Howard County DSS or the HCPD and outside of the victim's presence, whether a school official should be present during questioning.
 - 1. The police or a representative of the DSS must do all questioning of the victim.
 - 2. If the suspected victim is interviewed without school personnel present, the student may not be removed from the school grounds for questioning without parent or guardian approval. An exception exists if there is a court order for removal, if DSS has custody or guardianship, or if DSS has issued an authorization of shelter.
- C. Notifications to parents or guardians concerning the interview are the responsibility of the officer or CPS case worker conducting the interview. The officer or CPS must attempt to notify the parent or guardian of the interview, but parental consent for the interview is not required for the interview to take place.
- D. School personnel who have knowledge of child abuse cases may be interviewed on school property during school hours after notification to the school principal.

VII. FELONY SCREENING PROCESS

- A. The State's Attorney's Office (SAO) shall be immediately notified for all arrests involving the manufacture and distribution of child pornography, sexual child abuse, or serious physical child abuse.
 - 1. During regular business hours of Monday through Friday, 0800 until 1600, the arresting officer will contact the on-call State's Attorney at 410-313-2108 and advise them of the circumstances of the case.
 - 2. The officer shall scan and email the Statement of Charges and Statement of Probable Cause to oncallsao@howardcountymd.gov prior to securing from Central Booking.
- B. If the officer and his supervisor feel it is critical for the SAO to attend the initial hearing for other child abuse cases, the arresting officer will email the Statement of Charges and the Statement of Probable Cause to oncallsao@howardcountymd.gov prior to securing from Central Booking and outline the reasons the SAO is requested to appear.
- C. For all child abuse arrests made between the hours of 1600 through 0800, on weekends, or on a holiday, the Commissioner has responsibility for notifying the SAO but it is the officer's responsibility to email the charging documents to oncallsao@howardcountymd.gov.

VIII. REPORT CLASSIFICATION AND DISTRIBUTION

- A. All members of the HCPD are responsible for the security and confidentiality of all information concerning child abuse and child neglect investigations.

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- B. Members handling calls reporting either child abuse or neglect will investigate the circumstances and classify the call according to established procedure.
 - 1. A report must be written describing the initial information and the outcome of the investigation.
 - 2. The reporting officer will also make a notation, "SUSPECTED CHILD ABUSE/NEGLECT" in the narrative section of the face sheet where Records Section personnel can easily see it during the review process.
- C. If the investigation reveals that the call was not child abuse or neglect as originally reported, the call will be classified appropriately.
- D. Any reports marked for referral to DSS will be faxed immediately to the case screener.
- E. The Records Section will only disseminate suspected child abuse/neglect reports as established in Standard Operating Procedure REC-17, Release of Child Abuse and Neglect Reports.

IX. CANCELLATION

This General Order will cancel and replace General Order OPS-16; Child Abuse Investigations, dated December 23, 2011.

AUTHORITY:



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Chief of Police